

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**KATE ELIZABETH OMOSUN-FADAL,**  
**aka**  
**KATE ELIZABETH WILLIG**

Registered Nurse License No. 603255

Respondent.

Case No. 2012-291

I hereby certify the  
foregoing to be a true copy  
of the documents on file in our office.

BOARD OF REGISTERED NURSING

*Louise R. Bailey, M.Ed., RN*  
Louise R. Bailey, M. Ed., RN  
Interim Executive Officer



**DECISION**

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on July 3, 2012.

IT IS SO ORDERED this July 3, 2012.

Erin Niemel  
Temporary Chair  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 KAMALA D. HARRIS  
Attorney General of California  
2 ALFREDO TERRAZAS  
Senior Assistant Attorney General  
3 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
4 State Bar No. 161082  
1515 Clay Street, 20th Floor  
5 P.O. Box 70550  
Oakland, CA 94612-0550  
6 Telephone: (510) 622-2212  
Facsimile: (510) 622-2270  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2012-291

12 **KATE ELIZABETH OMOSUN-FADAL**  
13 **a.k.a. KATE ELIZABETH WILLIG**  
14 **2502 Palomino Court**  
**West Linn, Oregon 97068**  
15 **Registered Nurse License No. RN 603255**

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

16 Respondent.

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this  
18 proceeding that the following matters are true:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of  
21 Registered Nursing. She brought this action solely in her official capacity and is represented in  
22 this matter by Kamala D. Harris, Attorney General of the State of California, by Diann Sokoloff,  
23 Supervising Deputy Attorney General.

24 2. Kate Elizabeth Omosun-Fadal (Respondent) is representing herself in this proceeding  
25 and has chosen not to exercise her right to be represented by counsel.

26 3. On or about August 1, 2002, the Board of Registered Nursing issued Registered  
27 Nurse License No. RN 603255 to Kate Elizabeth Omosun-Fadal (Respondent). The Registered  
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1 Nurse License was in full force and effect at all times relevant to the charges brought in  
2 Accusation No. 2012-291 and will expire on April 30, 2012, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2012-291 was filed before the Board of Registered Nursing (Board),  
5 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation  
6 and all other statutorily required documents were properly served on Respondent on November 8,  
7 2011. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of  
8 Accusation No. 2012-291 is attached as exhibit A and incorporated by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, and understands the charges and allegations in  
11 Accusation No. 2012-291. Respondent also has carefully read, and understands the effects of this  
12 Stipulated Surrender of License and Order.

13 6. Respondent is fully aware of her legal rights in this matter, including the right to a  
14 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at  
15 her own expense; the right to confront and cross-examine the witnesses against her; the right to  
16 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to  
17 compel the attendance of witnesses and the production of documents; the right to reconsideration  
18 and court review of an adverse decision; and all other rights accorded by the California  
19 Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
21 every right set forth above.

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in Accusation  
24 No. 2012-291, agrees that cause exists for discipline and hereby surrenders her Registered Nurse  
25 License No. RN 603255 for the Board's formal acceptance.

26 9. Respondent understands that by signing this stipulation she enables the Board to issue  
27 an order accepting the surrender of her Registered Nurse License without further process.  
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1 This stipulation constitutes a record of the discipline and shall become a part of Respondent's  
2 license history with the Board of Registered Nursing.

3 2. Respondent shall lose all rights and privileges as a registered nurse in California as of  
4 the effective date of the Board's Decision and Order.

5 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was  
6 issued, her wall certificate on or before the effective date of the Decision and Order.

7 4. If Respondent ever files an application for licensure or a petition for reinstatement in  
8 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must  
9 comply with all the laws, regulations and procedures for reinstatement of a revoked license in  
10 effect at the time the petition is filed, and all of the charges and allegations contained in  
11 Accusation No. 2012-291 shall be deemed to be true, correct and admitted by Respondent when  
12 the Board determines whether to grant or deny the petition.

13 5. If and when Respondent's license is reinstated, she shall pay to the Board costs  
14 associated with its investigation and enforcement pursuant to Business and Professions Code  
15 section 125.3 in the amount of \$8518.50. Respondent shall be permitted to pay these costs in a  
16 payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the  
17 Board from reducing the amount of cost recovery upon reinstatement of the license.

18 6. If Respondent should ever apply or reapply for a new license or certification, or  
19 petition for reinstatement of a license, by any other health care licensing agency in the State of  
20 California, all of the charges and allegations contained in Accusation, No. 2012-291 shall be  
21 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of  
22 Issues or any other proceeding seeking to deny or restrict licensure.

23 7. Respondent shall not apply for licensure or petition for reinstatement for two (2)  
24 years from the effective date of the Board of Registered Nursing's Decision and Order.

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**Exhibit A**

**Accusation No. 2012-291**

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1 KAMALA D. HARRIS  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 SUSANA A. GONZALES  
Deputy Attorney General  
4 State Bar No. 253027  
1515 Clay Street, 20th Floor  
5 P.O. Box 70550  
Oakland, CA 94612-0550  
6 Telephone: (510) 622-2221  
Facsimile: (510) 622-2270  
7 Attorneys for Complainant

8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2012-291

12 **KATE ELIZABETH OMOSUN-FADAL**  
13 **a.k.a. KATE ELIZABETH WILLIG**  
14 **110 S. Pacifico**  
**Mountain House, CA 95391**

**ACCUSATION**

15 **Registered Nurse License No. 603255**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs.

23 2. On or about August 1, 2002, the Board of Registered Nursing issued Registered  
24 Nurse License Number 603255 to Kate Elizabeth Omosun-Fadal (Respondent). The Registered  
25 Nurse License was in full force and effect at all times relevant to the charges brought in this  
26 Accusation and will expire on April 30, 2012, unless renewed.



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1       “(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed  
2 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or  
3 administer to another, any controlled substance as defined in Division 10 (commencing with  
4 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as  
5 defined in Section 4022.

6       ...

7       “(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any  
8 hospital, patient, or other record pertaining to the substances described in subdivision (a) of this  
9 section.”

10       9.       Code section 4060 provides:

11       “No person shall possess any controlled substance, except that furnished to a person upon  
12 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor  
13 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-  
14 midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, [or] a  
15 physician assistant pursuant to Section 3502.1.”

16       10.       California Code of Regulations, title 16, section 1442, defines “gross negligence,” as  
17 used in Code section 2761, to include an extreme departure from the standard of care which,  
18 under similar circumstances, would have ordinarily been exercised by a competent registered  
19 nurse. Such an extreme departure means the repeated failure to provide nursing care as required  
20 or failure to provide care or to exercise ordinary precaution in a single situation which the nurse  
21 knew, or should have known, could have jeopardized the client’s health or life.

22       11.       California Code of Regulations, title 16, section 1443, defines “incompetence,” as  
23 used in Code section 2761, to mean the lack of possession of or the failure to exercise that degree  
24 of learning, skill, care and experience ordinarily possessed and exercised by a competent  
25 registered nurse as described in Section 1443.5.

1 12. California Code of Regulations, title 16, section 1443.5 states:

2 "A registered nurse shall be considered to be competent when he/she consistently  
3 demonstrates the ability to transfer scientific knowledge from social, biological and physical  
4 sciences in applying the nursing process, as follows:

5 "(1) Formulates a nursing diagnosis through observation of the client's physical condition  
6 and behavior, and through interpretation of information obtained from the client and others,  
7 including the health team.

8 "(2) Formulates a care plan, in collaboration with the client, which ensures that direct and  
9 indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and  
10 for disease prevention and restorative measures.

11 "(3) Performs skills essential to the kind of nursing action to be taken, explains the health  
12 treatment to the client and family and teaches the client and family how to care for the client's  
13 health needs.

14 "(4) Delegates tasks to subordinates based on the legal scopes of practice of the  
15 subordinates and on the preparation and capability needed in the tasks to be delegated, and  
16 effectively supervises nursing care being given by subordinates.

17 "(5) Evaluates the effectiveness of the care plan through observation of the client's physical  
18 condition and behavior, signs and symptoms of illness, and reactions to treatment and through  
19 communication with the client and health team members, and modifies the plan as needed.

20 "(6) Acts as the client's advocate, as circumstances require, by initiating action to improve  
21 health care or to change decisions or activities which are against the interests or wishes of the  
22 client, and by giving the client the opportunity to make informed decisions about health care  
23 before it is provided."

24 13. Section 11173, of the Health and Safety Code states, in pertinent part:

25 "(a) No person shall obtain or attempt to obtain controlled substances, or procure or attempt  
26 to procure the administration of or prescription for controlled substances, (1) by fraud, deceit,  
27 misrepresentation, or subterfuge; or (2) by concealment of a material fact."  
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CONTROLLED SUBSTANCES/DANGEROUS DRUGS

14. Code section 4021 states:

“‘Controlled substance’ means any substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.”

15. Code section 4022 provides:

“‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self-use in humans or animals, and includes the following:

“(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing without prescription,’ ‘Rx only’ or words of similar import.

“(b) Any device that bears the statement: ‘Caution: federal law restricts this device to sale by or on the order of a \_\_\_\_\_,’ ‘Rx only,’ or words of similar import . . .

“(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006.”

16. Hydromorphone, also known as Dilaudid, is a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivision (b)(1)(J), and a dangerous drug under Code section 4022. Hydromorphone is a hydrogenated ketone of morphine and is a narcotic analgesic. Its principal therapeutic use is relief of pain. Psychic dependence, physical dependence, and tolerance may develop upon repeated administration of narcotics; therefore, Hydromorphone should be prescribed and administered with caution.

17. Lorazepam, also known by its trade name Ativan, is a Schedule IV controlled substance as designated by Health and Safety Code section 11057, subdivision (d)(16), and a Schedule IV controlled substance as designated by the Code of Federal Regulations, title 21, section 1308.14, subdivision (c). It is also a dangerous drug under Code section 4022. It is a psychotropic drug for the management of anxiety disorders or for the short-term relief of the symptoms of anxiety. Lorazepam can produce psychological and physical dependence and should be prescribed with caution.

18. Hydrocodone with Acetaminophen is a Schedule III controlled substance as designated by Health and Safety Code section 11056, subdivision (e), and a dangerous drug under

1 Code section 4022. Repeated administration of Hydrocodone with Acetaminophen over a course  
2 of several weeks may result in psychic and physical dependence.

3 COST RECOVERY

4 19. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
5 administrative law judge to direct a licensee found to have committed a violation or violations of  
6 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
7 enforcement of the case.

8 FACTUAL BACKGROUND

9 20. Respondent was employed by Valley Care Medical Center (VCMC) in Pleasanton,  
10 California, from in or about August 2007, until her resignation on or about December 30, 2008.  
11 In or about September 2008, a review of the "MedSelect Controlled Substance Events by User"  
12 report revealed that Respondent had excessively high removals of controlled substances when  
13 compared to removals by her co-workers. The MedSelect machine is a security controlled drug-  
14 dispensing machine that can only be accessed with a log-on name and secret password. VCMC's  
15 Department of Pharmacy can access the MedSelect information at any time for audit purposes.  
16 The controlled substances for which Respondent showed excessively high removals per the  
17 MedSelect review included Hydromorphone, Lorazepam, and Hydrocodone with Acetaminophen.  
18 A subsequent review of the Medication Administration Records (MAR) and Nurses Notes for  
19 Patient 1, who was assigned to Respondent's care on or about September 23, 2008, and  
20 September 24, 2008, revealed the following gross discrepancies and inconsistencies made by  
21 Respondent with regard to controlled substances:

22 a. On or about September 23, 2008, at approximately 8:38 p.m., Respondent  
23 removed 2 milligrams Hydromorphone from the MedSelect for Patient 1. At approximately 8:41  
24 p.m., Respondent wasted 0.8 milligrams Hydromorphone. Respondent failed to document  
25 administration or wastage, or otherwise account for the remaining 1.2 milligrams Hydromorphone  
26 removed.

27 b. On or about September 23, 2008, at 8:42 p.m., Respondent removed 2  
28 milligrams Hydromorphone from the MedSelect for Patient 1. At approximately 9:06 p.m.,

1 Respondent wasted 0.8 milligrams Hydromorphone. At approximately 9:30 p.m., nearly 50  
2 minutes after removing it from the MedSelect, Respondent documented on Patient 1's MAR  
3 administering 1 milligram of Hydromorphone to Patient 1. Respondent failed to chart or  
4 otherwise account for the remaining 0.2 milligrams Hydromorphone.

5 c. On or about September 24, 2008, at approximately 6:35 a.m., Respondent  
6 removed 2 milligrams Hydromorphone from the MedSelect for Patient 1. At 6:36 a.m.,  
7 Respondent wasted 1 milligram Hydromorphone. At approximately 6:37 a.m., Respondent  
8 wasted the remaining 1 milligram Hydromorphone. At approximately 6:30 a.m., five minutes  
9 prior to removing the medication from MedSelect, Respondent documented in Patient 1's MAR  
10 that she administered 1 milligram Hydromorphone to Patient 1.

11 d. On or about September 24, 2008, at approximately 8:09 p.m., Respondent  
12 removed 2 milligrams Hydromorphone from the MedSelect for Patient 1. At approximately 8:10  
13 p.m., Respondent wasted 1 milligram Hydromorphone. Respondent failed to document  
14 administration or wastage, or otherwise account for the remaining 1.0 milligrams Hydromorphone  
15 removed.

16 FIRST CAUSE FOR DISCIPLINE

17 (Unprofessional Conduct – Incompetence or Gross Negligence)

18 (Bus. & Prof. Code § 2761, subd. (a)(1))

19 21. Complainant realleges the allegations set forth in paragraph 20 and each of its  
20 subparts, and incorporates them is fully set forth.

21 22. Respondent has subjected her registered nurse license to disciplinary action under  
22 Code section 2761, subdivision (a)(1), as defined by California Code of Regulations, title 16,  
23 sections 1442 and 1443, in that Respondent's conduct described in paragraph 20 and each of its  
24 subparts above constitutes incompetence or gross negligence, or both, in carrying out usual  
25 certified or licensed nursing functions.  
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1, SECOND CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct – False, Grossly Incorrect, or Unintelligible Entries)  
3 (Bus. & Prof. Code §§ 2761, subd. (a), 2762, subd. (e))

4 23. Complainant realleges the allegations set forth in paragraph 20 and each of its  
5 subparts above, and incorporates them is fully set forth.

6 24. Respondent has subjected her registered nurse license to disciplinary action under  
7 Code section 2761, subdivision (a), as defined by Code section 2762, subdivision (e), in that she  
8 made false, grossly incorrect, or unintelligible entries in hospital, patient, or other records  
9 pertaining to controlled substances and/or dangerous drugs, as described in paragraph 20 and each  
10 of its subparts, above.

11 THIRD CAUSE FOR DISCIPLINE

12 (Unprofessional Conduct – Unlawfully Obtain or Possess Controlled Substances)  
13 (Bus. & Prof. Code §§ 2761, subd. (a), 2762, subd. (a), 4060)

14 25. Complainant realleges the allegations set forth in paragraph 20 and each of its  
15 subparts above, and incorporates them as if fully set forth.

16 26. Respondent has subjected her registered nurse license to disciplinary action under  
17 Code section 2761, subdivision (a), as defined by Code section 2762, subdivision (a), and Code  
18 section 4060, in that she unlawfully obtained or possessed controlled substances by fraud, deceit,  
19 misrepresentation, or subterfuge and/or by the concealment of a material fact in violation of  
20 Health and Safety Code section 11173, subdivision (a). The circumstances are set forth in  
21 paragraph 20 and each of its subparts, above.

22 PRAYER

23 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this  
24 Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

25 1. Revoking or suspending Registered Nurse License Number 603255, issued to Kate  
26 Elizabeth Omosun-Fadal;

27 2. Ordering Kate Elizabeth Omosun-Fadal to pay the Board of Registered Nursing the  
28 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
Professions Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: November 8, 2011

*Louise R. Bailey*  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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Accusation (W)\_1